

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**ANNE BRUMBAUGH, GARY L. HARMON and  
RANDY K. GRIFFIN,**

**Plaintiffs,**

**v.**

**WAVE SYSTEMS CORPORATION, STEVEN K.  
SPRAGUE and GERARD T. FEENEY,**

**Defendants.**

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**CIVIL ACTION  
NO. 04-30022-MAP**

**JOINT MOTION TO EXTEND  
CLASS CERTIFICATION SCHEDULE**

The Parties hereby respectfully request that this Court extend the class certification schedule by 30 days. As grounds for this motion, the Parties state as follows:

1. Per this Court's order issuing from the Initial Scheduling Conference on February 27, 2006, the Defendants are conducting discovery of the Named Plaintiffs concerning class certification issues (the "Class Certification Discovery"), including depositions of each of the Named Plaintiffs, requests for production of documents, interrogatories and third-party subpoenas. Under the current scheduling order, all Class Certification Discovery must be completed and Defendants' Opposition to Plaintiffs' Motion for Class Certification must be filed by April 30, 2006.

2. Scheduling issues have arisen concerning the depositions of the Named Plaintiffs, which the parties have agreed to resolve among themselves. Specifically, the Named Plaintiffs have requested that their depositions be taken in their places of residence rather than the forum of this litigation. In addition, the Named Plaintiffs have asserted objections concerning the Defendants' Class Certification Discovery requests, which the Parties are seeking to resolve in good faith without Court intervention.

3. To permit the Parties sufficient time to attempt to resolve any Class Certification Discovery issues without Court intervention, and to permit the Defendants sufficient time to complete Class Certification Discovery, the Parties submit that there is good cause for the Court to permit a brief (30 day) extension of the class certification schedule as follows:

- (a) Defendants' Opposition to Plaintiffs' Motion for Class Certification due 5/30/06;
- (b) Plaintiffs' Reply to Defendants' Opposition due 6/15/06;
- (c) Defendants' Surreply due 6/30/06; and
- (d) Hearing on Plaintiffs' Motion for Class Certification on 7/9/06 at 2:00 p.m. or as the Court may otherwise Order.

WHEREFORE, the Parties respectfully request that this Joint Motion To Extend Class Certification Schedule be ALLOWED.

COUNSEL FOR PLAINTIFFS

By their attorneys

/s/ David Pastor

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Dated: April 13, 2006

**Certificate of Service**

I, Michael D. Blanchard, hereby certify that on April 13, 2006, a true and correct copy of the foregoing was served electronically upon counsel of record for each other party.

/s/ Michael D. Blanchard

Michael D. Blanchard

UNITED STATES DISTRICT COURT  
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Defendants.

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CIVIL ACTION  
NO. 04-30022-MAP

**[PROPOSED] ORDER TO EXTEND  
CLASS CERTIFICATION SCHEDULE**

Pursuant to Federal Rules Civil Procedure 6(b) and the Joint Motion to Extend Class Certification Schedule this Court hereby amends the Class Certification Schedule as follow:

- (a) Defendants' Opposition to Plaintiffs' Motion for Class Certification due 5/30/06;
- (b) Plaintiffs' Reply to Defendants' Opposition due 6/15/06;
- (c) Defendants' Surreply due 6/30/06;
- (d) Hearing on Plaintiffs' Motion for Class Certification on 7/9/06 at 2:00 p.m. or as the Court may otherwise Order.

IT IS SO ORDERED

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Honorable Michael A. Ponsor

Dated: \_\_\_\_\_